

**NOT TO BE PUBLISHED IN OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

D.T.,

Petitioner,

v.

THE SUPERIOR COURT OF FRESNO  
COUNTY,

Respondent;

FRESNO COUNTY DEPARTMENT OF  
CHILDREN AND FAMILY SERVICES,

Real Party in Interest.

F058663

(Super. Ct. Nos. 09CEJ300064-1,  
09CEJ300064-2, and 09CEJ300064-3)

**OPINION**

**THE COURT\***

ORIGINAL PROCEEDINGS; petition for extraordinary writ review. Jane  
Cardoza, Judge.

D.T., in pro. per., for Petitioner.

No appearance for Respondent.

Kevin Briggs, County Counsel, and William G. Smith, Deputy County Counsel,  
for Real Party in Interest.

-ooOoo-

---

\*Before Vartabedian, Acting P.J., Cornell, J., and Gomes, J.

Petitioner in propria persona seeks an extraordinary writ (Cal. Rules of Court, rule 8.452) from the juvenile court's dispositional orders denying him reunification services and setting a Welfare and Institutions Code, section 366.26 hearing<sup>1</sup> as to his two sons and daughter. We will deny the petition.

### **STATEMENT OF THE CASE AND FACTS**

In March 2009, petitioner's six and two-year-old sons and three-year-old daughter were removed from the custody of their mother<sup>2</sup> after she hit the six-year-old in the face and arm with a belt buckle for playing with a light socket. At the time, petitioner was in federal custody, scheduled to be released in July 2010. The mother was arrested and subsequently sentenced to two years in prison.

The juvenile court exercised its dependency jurisdiction over the children and, at a contested dispositional hearing in September 2009, denied petitioner reunification services pursuant to section 361.5, subdivision (e)(1) because his release date fell outside the 12-month period of reunification. The court also denied reunification services for the children's mother. Two of the children had been placed with their maternal great-grandmother and the plan was to place the third child with his maternal grandmother.

At the dispositional hearing, petitioner's attorney offered no evidence or argument on petitioner's behalf. Rather, she advised the juvenile court petitioner understood that the length of his incarceration warranted a denial of services and asked for visitation, which the court granted. At the conclusion of the hearing, the court set the matter for a section 366.26 hearing. This petition ensued.

---

<sup>1</sup> All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

<sup>2</sup> The mother did not file a writ petition.

### **DISCUSSION**

Petitioner does not claim the juvenile court erred in denying him reunification services or setting a section 366.26 hearing. Rather, he asks this court to stay the section 366.26 hearing until he is released from custody in February 2010. In order to stay the section 366.26 hearing, this court requires an exceptional showing of good cause. (Cal. Rules of Court, rule 8.452(g).) Staying the section 366.26 hearing so that petitioner can complete his prison sentence is not good cause for delaying the permanent placement of his children. Consequently, his request is denied.

### **DISPOSITION**

The petition for extraordinary writ is denied. This opinion is final forthwith as to this court.